

**STATE OF ILLINOIS
DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
DIVISION OF PROFESSIONAL REGULATION**

DEPARTMENT OF FINANCIAL AND	)	
PROFESSIONAL REGULATION of the State of Illinois,	)	
DIVISION OF PROFESSIONAL REGULATION,	)	
	Complainant,	No. 2015-06563
v.	)	
Andrew A. Kulik, M.D.,	)	
License No. 036.110750,	Respondent.	)

CONSENT ORDER

The Department of Financial and Professional Regulation of the State of Illinois, Division of Professional Regulation ("Department"), by and through Frank Lamas, Chief of Medical Prosecutions, and Andrew A. Kulik, M.D., ("Respondent"), by and through his attorney, Edward Bruno, hereby agree to the following:

STIPULATIONS

Respondent holds a Certificate of Registration as a Physician and Surgeon in the State of Illinois, License No. 036.110750. Said license is currently in active status. At all times material to the matter set forth in this Consent Order, the Department had jurisdiction over the subject matter and parties herein.

The Department received information that Respondent engaged in a boundary violation with a patient of his practice group. The allegation(s) as set forth herein, if proven to be true, would constitute grounds for the Department to revoke, suspend, or otherwise discipline Respondent's license to practice as a Physician and Surgeon in the State of Illinois, on the authority of 225 ILCS 60/22(A)(5).

An informal conference was held on May 2, 2018, at the Department's Chicago office. Karen O'Mara, D.O., Grace Allen Newton, J.D., and Garrick J. Hodge, J.D., M.B.A.,

were present on behalf of the Illinois Medical Disciplinary Board ("Board"). Vaughn G. Bentley, Staff Attorney, and Frank Lamas, Chief of Medical Prosecutions, were present on behalf of the Department. Joseph Fojtik, M.D., Deputy Medical Coordinator, was also present. Respondent appeared in person with his attorney at the time, Michael Brohman.

Respondent neither admits nor denies the allegations but Respondent acknowledges that should this matter proceed to a contested hearing, the Board could find a violation of the Medical Practice Act. The Department and Respondent stipulate that the above acknowledgement is made only for the purposes of this Consent Order. In the event that this Consent Order is not approved by the Board or the Director of the Division of Professional Regulation of the Department ("Director"), this acknowledgement shall not be admissible in any proceeding and the matter will be set for an evidentiary hearing on the merits as if this Consent Order had not been submitted.

Respondent has been advised of the right to accept or reject this Consent Order. Respondent has been advised of the right to a hearing to contest any charges brought and the right to administrative review of any order resulting from said hearing. Respondent knowingly waives each of these rights, as well as any right to administrative review of this Consent Order. Such waiver shall cease if this Consent Order is not acceptable to the Board or the Director. Respondent has knowingly and voluntarily entered into this Consent Order without any threat or coercion by any person. Respondent has not relied on any statements or promises made by or on behalf of the Department other than those specifically set forth in writing herein.

Respondent and the Department have agreed, in order to resolve this matter, that Respondent be permitted to enter into a Consent Order with the Department, providing for

the imposition of disciplinary measures which are fair and equitable under the circumstances and which are consistent with the best interests of the People of the State of Illinois.

CONDITIONS

WHEREFORE, the Department, by and through Frank Lamas, Chief of Medical Prosecutions, and Andrew A. Kulik, M.D., Respondent, by and through his attorney, Edward Bruno, hereby agree to the following:

- A. Upon the effective date of this Consent Order, Respondent's Illinois Physician and Surgeon License, License No. 036.110750, is hereby SUSPENDED for one (1) year and thereafter shall be placed on INDEFINITE PROBATION for a minimum of three (3) years;
- B. Respondent shall take and pass all five (5) parts of the Ethics and Boundaries Assessment Services, LLC's ("EBAS") Ethics and Boundaries Examination within twelve (12) months of the effective date of this Consent Order and submit proof of successful completion to the following address:

**Illinois Department of Financial and Professional Regulation
Probation Compliance Unit
9511 W. Harrison Street, Suite LL50
Des Plaines, IL 60016;**
- C. In the event Respondent fails to pass all five (5) parts of the EBAS Examination within twelve (12) months of the effective date of this Consent Order, Respondent acknowledges and agrees that his failure to take and pass the EBAS Examination will constitute a violation of the terms and conditions of this Consent Order;
- D. While Respondent's license is on Probation, Respondent shall provide the Department's Probation Compliance Unit (at the address listed above in section

B) with quarterly reports which include: (i) current residential address and contact telephone number as well as current practice location address and contact telephone number; (ii) address and contact information for each healthcare entity where Respondent is practicing and/or employed; (iii) description of job duties, responsibilities and name of immediate supervisor and/or Department's Chairperson; (iv) copy of any and all incident reports within the prior quarter filed against Respondent; and (v) information regarding any arrests, criminal or civil actions filed, including DUI and/or other similar offenses against Respondent; (vi) Respondent shall notify the Department of any adverse action taken against him related to the practice of medicine by another entity including but not limited to licensing authorities, insurance companies, and state and federal agencies, within ten (10) days of said adverse action; and (vii) Respondent shall notify the Department when he is the subject of any investigation initiated by another entity, including but not limited to licensing authorities, insurance companies, and state and federal agencies, within ten (10) days of said investigation;

- E. While Respondent's license is on Probation, Respondent shall notify the Department's designated Probation Investigator in writing of any change in employment and/or home address and/or telephone number within ten (10) days;
- F. While Respondent's license is on Probation, Respondent is not allowed to work in solo practice. Respondent can only work in a group-setting which is pre-approved in writing by the Department's Chief Medical Coordinator:

- G. Respondent shall request and ensure that the designated person from every healthcare entity where he is practicing medicine/utilizing his Illinois Physician and Surgeon License submits quarterly reports to the Department regarding any issues arising out of his employment and practice of medicine;
- H. All reports required to be submitted under the terms of this Probation shall be filed with the Department no later than January 20th, April 20th, July 20th, and October 20th of each year during the full term of Probation;
- I. Respondent agrees that a violation of the terms and conditions of this Consent Order or a violation of the terms of Probation is a violation of 225 ILCS 60/22(A)(15);
- J. Respondent shall not violate the Illinois Medical Practice Act or any other state and/or federal laws relating to the practice of medicine;
- K. If Respondent violates any terms or conditions of this Consent Order, the Director may issue an Order forthwith mandating the automatic, immediate and indefinite suspension of Respondent's Illinois Physician and Surgeon License for a minimum of twelve (12) months. This indefinite suspension shall not preclude the Department from taking any other disciplinary or other action it deems appropriate. In the event that Respondent contests the factual basis underlying said indefinite suspension in a written Petition that complies with the Department's Rules of Practice in Administrative Hearings, which is filed with the Department within fifteen (15) days of the effective date of the indefinite suspension, then Respondent shall be afforded a hearing on the merits within thirty (30) days from the filing of said Petition;

L. This Consent Order shall become effective fourteen (14) days after it is approved by the Director.

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DEPARTMENT OF FINANCIAL AND
PROFESSIONAL REGULATION
of the State of Illinois

[REDACTED]

Frank Jamas
Chief of Medical Prosecutions

[REDACTED]

Andrew A. Kulik, M.D.
Respondent

[REDACTED]

Edward Bruno
Attorney for Respondent

[REDACTED]

Member
Medical Disciplinary Board

The foregoing Consent Order is approved in full.

DATED THIS 5 day of March, 2019.

DEPARTMENT OF FINANCIAL AND
PROFESSIONAL REGULATION
of the State of Illinois;

DIVISION OF PROFESSIONAL REGULATION

[REDACTED]

Jessica Baer
Director

REF: Case No. 2015-06563
Lic. No. 036.110750